

The court reporter has stated that “Exhibit 116 was never offered or admitted into evidence; therefore, it was never in my possession.” Under Tex. R. App. P. 34(f) “appellant is entitled to a new trial” (2) “if, without the appellant's fault, a significant exhibit or a significant portion of the court reporter's notes and records has been lost or destroyed”. This exhibit, and all other video exhibits, were provided to the court clerk by email, and on a usb drive by request of the court clerk, on and before Jul 19, 2021. If Plaintiff Exhibit 116 has been lost or destroyed, then I request, and am entitled to, a new trial.

/s/ Michael W. Gioffredi, 2/9/2022

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CERTIFICATE OF SERVICE

I certify that on *2/9/2022*, a true and correct copy of this document properly was served to the following parties and respective counsel of record in accordance with the Texas Rules of Civil Procedure via email:

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Associated Case Party: MichaelWGioffredi

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